

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).—
A poll, Sir.

POLL.

Ayes.

Noes.

Mrs. Meenakshi N. Menon.
Mrs. D'souza Williams
Mr. P. Govinda Menon.
,, M. Sivarama Menon.
,, A. Sivarama Menon.
,, P. C. Varckey.
,, George Parakkal.
,, V. K. Kutty
,, A. V. Moothedan
,, K. S. Manickam.
,, P. J. Alexander
,, K. Kunjirama Menon.
,, M. A. Sankunny.
,, V. S. Krishnan Vaidyan.
,, K. P. Kannan Nayar
,, K. Achyuta Menon
,, P. J. George
Rao Sahib I. N. Menon.
,, K. Narayana Menon
Mr. T. Narayana Menon
,, A. L. Devassy
,, Thomas Manjuran
,, K. Krishna Warriar
,, V. K. Achyuta Menon
,, Rama Varmha Tampuran
Dr. D. Raghavendra Rao
,, A. R. Puduval
Mr. V. K. Aravindhaksha Menon

Mr. K. M. Kunhi Moideen
,, K. M. Ibrahim.
,, P. Kumaran Ezhuthassan

Neutrals.

Mr. V. K. Krishnankutty
,, K. S. Panickar

Motion was therefore carried.

The Cochin Income-tax Act Amendment Bill.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—Sir, with your permission, I would rather not present the report of the Select Committee on the Cochin Fisheries Bill first as it is likely to be a controversial measure. There are other pieces of legislation which we are anxious to get through. If we have time we shall take it later on. With

your leave therefore I shall present the second Bill in the agenda, viz., the Cochin Income-tax Act Amendment Bill. Now this Bill seeks to introduce a slight change in the Income-tax Act. This amendment is to obviate certain difficulties that have been felt by the Commissioner in working out the Act and it is only to bring the Cochin law on the subject on a par with the British Indian enactment.

Mr. K. Ayyappan (*Ezhuvas South*).—What is it that you are moving?

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—The Income-tax Act Amendment Bill.

Mr. K. Ayyappan (*Ezhuvas South*).—You are not asked to move that.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—I have asked the permission of the President.

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).—Sir, we have come prepared with the items as in the agenda. If they are not taken in the serial order in which they are put, we will be put to a lot of trouble.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—I am only submitting that the Fisheries Act can wait because it is after all only a taxing measure. If time permits that will also be taken up.

Now, Sir, the statement of objects and reasons attached to the Bill explains the object of the Government. It says that "the third proviso to section 65 (2) of the Cochin Income-tax Acts lays down that the Commissioner shall refund the fee of Rs. 100 deposited by the party before him if the decision of the Chief Court on a reference made under section 65 is in favour of the assessee. It has often been found in practice that it is very difficult for the Commissioner to arrive at an equitable decision in cases where the Chief Court decision is only partially in favour of the assessee. In the corresponding British Indian Act such a proviso does not exist and Courts of Law in British India have held that they have power to compensate the assessee in suitable cases for the loss of the deposit amount also. The Government find it expedient to bring the law into line with that existing in British India. A deposit of Rs. 100 has to be made with the Commissioner if the assessee wants the Commissioner to refer to the Chief Court certain points of law. Under the existing law it is possible for the Commissioner if the case has been decided by the Chief Court either to forfeit or not to forfeit the amount. It often happens that a reference is partially in favour of the assessee. Under

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the existing law it is not possible for the Commissioner to make a partial forfeiture. The law in British India is somewhat different. Once the amount is deposited, it cannot be refunded. But the Court in awarding costs takes into consideration this deposit of Rs. 100. This is only to bring the law into conformity with the British Indian Law. I am sure the Hon'ble Members will accept this amendment, and no sort of prejudice is likely to be caused to the assessee. I move that the Bill be read in Council.

Mr. K. P. Kannan Nayar (*Secretary to Government*).— I second it.

Motion was put and carried.

Secretary to the Council.—The title of the Bill is “the Cochin Income-tax Act (Amendment) Bill.”

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—I move that S. O. No. 32 may be suspended and the Bill may be taken for consideration forthwith.

Mr. K. P. Kannan Nayar (*Secretary to Government*).— I second it.

Deputy President.—The standing order is suspended.

Motion was put and carried.

Deputy President.—The question is that section 2 stand part of the Bill.

2. From section 65 (2) of the Cochin Income-tax Act the following proviso shall be deleted:—

Amendment of
section 65. Act
VIII of 1108.

“Provided further that the Commissioner shall refund the fee paid, if the decision of the Chief Court on a reference made under this section is in favour of the assessee”.

Section 2 was put and carried.

Deputy President.—The question is that Section 1 stand part of the Bill.

1. This Act may be called the Cochin Income-tax (Amendment) Act of 1112 and it shall come into force at once.

Short title and
commencement.

Section 1 was put and carried.

Deputy President.—The question is that the title and preamble stand part of the Bill.

THE COCHIN INCOME-TAX ACT
AMENDMENT BILL.

Whereas it is expedient further to amend the Cochin Income-tax Act VIII of 1108, it is hereby enacted as follows:—

Preamble.

Title and preamble were put and carried.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—I move that the Bill may be taken up and finally passed tomorrow.

Mr. K. P. Kannan Nayar (*Secretary to Government*).—I second it.

Motion was put and carried

The Cochin Village Panchayat Act Amendment Bill.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—I rise to introduce the Cochin Village Panchayat Act Amendment Bill. This is a very simple Bill. The following resolution was passed at the Panchayat Conference and this Bill is intended to give effect to that resolution:—*കാരോ ഗ്രാമപഞ്ചായത്തുകാർട്ടിലെ അധികാരത്തിൽപ്പെട്ട പഞ്ചായത്തുകളിലെ മെമ്പർമാരുടെ കാലാവധി ഒരേസമയത്തു അവസാനിക്കത്തക്കവണ്ണം നിയമത്തിൽ വേണ്ട ഭേദഗതിചെയ്യുവാൻ ഗവർണ്മെന്റിനോടു ശുപാർശ ചെയ്യുന്നു*. This was a unanimous resolution passed at their conference and this Bill only intends to confer power upon the Government to bring that resolution into effect. The operative portion of the Act is only this.—"and provided also that the Government may in special cases terminate or extend at any time by notification in the Government Gazette the term of the members of any Village Panchayat". As Hon'ble Members are aware according to the Schedule attached to Act XXXIII of 1111 the elections have to be conducted in certain particular months and the retirements take place in different months. Now these Panchayats have been given judicial powers also. It is rather awkward for such things to happen. This provision is required only in the initial stages. After some time this section will become inoperative, because these Panchayat members will simultaneously come and go.

Dr. A. R. Menon (*Pallippuram*).—Are they elected for a certain period?